

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 10-20676

v.

HON. GERALD E. ROSEN

STEVEN DEMINK,
aka, Dalton St. Clair,

Defendant.

**GOVERNMENT'S SUPPLEMENTAL
MEMORANDUM ON RESTITUTION**

On January 20, 2012, this Court ordered the government to supplement the record regarding the issue of restitution for the guardians of the Florida victims (MV #4 and MV #5) and the guardian of the Indiana victims (MV #6 and MV #7). The court requested evidentiary support by way of “tesimon[y], documentary [evidence], or other” evidence. (R. 25: Order to Supplement the Record at 1-2). Accordingly, the United States of America respectfully submits this Supplemental Memorandum on the issue of victim restitution in the above-captioned case.

Florida Guardians

As for MV #4 and MV #5, the guardians have not provided receipts for most of the day-to-day expenses for costs of feeding, housing, educating, transporting, and otherwise providing for the needs of these two children (ages 14 and 10). However, Exhibit 1¹ attached to this pleading are correspondence from the guardians regarding the counseling needs of the Florida victims.

A new issue has arisen for these children. The mental health condition of MV #4, who is now 15 years old, has worsened. Following his mother's sentencing (for which she received more than 25 years in prison both federally and from the State of Florida), MV #4 feels tremendous guilt for his mother's incarceration. MV #4 refuses to talk to his family, guardians, counselors, teachers, etc. about his well-being. MV #4 continues to be disciplined at school for skipping classes, getting suspended, and acting out in other ways. Although MV #4's mental health treatment thus far had been paid for by Medicaid, the treatment has not shown results. Instead, it is now believed that MV #4 may have Asperger Syndrome, which is a form of autism. The testing to confirm this diagnosis lasts

¹ The exhibits will be provided to Court chambers under separate cover to protect the victims' privacy.

10 hours, and costs \$150 per hour, and will not be covered by Medicaid. The testing is scheduled for April 2012.

If the fears regarding MV #4's condition are true, then the follow-up treatment will also be at a rate of \$150 per session. It is unknown, until the testing is complete, how many sessions will be needed for MV #4's treatment. None of these costs will be covered by Medicaid. These expenses related to the treatment of MV #4 (which had not previously been known) will only inflate the amount of restitution owed to these victims based on Demink's conduct.

Indiana Victims

Attached as Exhibit #2 is the affidavit of Trinity Hughes, who spoke at Demink's sentencing hearing. The affidavit provides some further insight into the costs Ms. Hughes incurred caring for MV #6 and MV #7.

Attached as Exhibit #3 are the tax returns for Ms. Hughes, documenting Ms. Hughes's cashing in of her retirement savings in 2010 and 2011. This totals just over \$31,000, the bulk of which she spent caring for MV #6 and MV #7.

Attached as Exhibit #4 is evidence of the retirement transfers into Ms. Hughes' bank account.

Moreover, each child has been attending therapy sessions once a week at a

cost of \$100 per session since Ms. Hughes became their guardian. Although the cost of raising these two children far exceeds her submission, Ms. Hughes's restitution submission from the initial filing is \$66,600.

Therefore, the government respectfully requests the following order of restitution:

Trinity Hughes in the amount of \$66,600

Lydia Porter in the amount of \$103,576 + \$1500 for Asperger's testing.

Respectfully submitted,

BARBARA L. McQUADE
United States Attorney

s/Kevin M. Mulcahy

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Date: February 22, 2012

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2012, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Timothy Dinan, Esq.

And that the Exhibits will be mailed to Mr. Dinan this same day.

s/Kevin Mulcahy

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